



## WHITEHALL LABORATORIES INC.

1919 SUPERIOR STREET, ELKHART, INDIANA 46516

May 17, 1989

Ms. Susan Swales, 5HSM-12  
Superfund Program Management  
U.S. Environmental Protection Agency, 5HS-11  
230 South Dearborn Street  
Chicago, Illinois 60604

Dear Ms. Swales:

Attached please find the response to your letter of April 20, 1989 regarding the Himco Inc. Dump on County Road 10 and Nappanee Street Extension in Elkhart, Elkhart County, Indiana.

In addition, we are including clarification of certain of our responses to the January 30, 1989 request for information on the site that was issued to Whitehall Laboratories by U.S. EPA. This clarification is being forwarded because the January 30, 1989 request did not indicate that the County Road 10 site was the site in question and that the time period in question was 1960 to 1979. The previous response addressed Whitehall's use of the County Road 10 site as well as the currently operating Himco Inc. sanitary landfill on County Road 26 in Elkhart county. The clarification here addresses only use of the County Road 10 site, during the period of 1960 through 1979.

Should you have any question, please contact us.

Very truly yours,

WHITEHALL LABORATORIES

Donald J. Boveri  
Assistant Vice President

DJB:sm

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MAY 17 1989

TECHNICAL SUPPORT  
SECTION



## WHITEHALL LABORATORIES INC.

1919 SUPERIOR STREET, ELKHART, INDIANA 46516

March 3, 1989

Ms. Susan Swales (5HS-11)  
Waste Management Division  
US EPA- Region V  
230 South Dearborn Street  
Chicago, Illinois 60604

Dear Ms. Swales:

Re: Himco Landfill  
Elkhart, Indiana

Enclosed is our response to your request of January 30, 1989.

If you have any questions regarding our responses, please  
feel free to contact us at 219-294-5651.

Very truly yours,

WHITEHALL LABORATORIES

Donald J. Boveri  
Assistant Vice President

DJB:sm

Enc.

## FPA RESPONSE

1. a) Whitehall Laboratories is an over-the-counter (OTC) pharmaceutical company that specializes in the following principle areas:

Analgesics	Topical Anesthetics
Nutritional Supplements	Sleeping Aids
Antacids	Asthma Remedies
Cold Products	Hemorrhoidal Remedies
Family Planning	Personal Care Products

b) Whitehall Laboratories manufactures pharmaceutical and health care products in tablet, liquid, cream, lotion, and suppository form. Production processes at the plant involve batch mixing and formulation of products from purchased raw materials. No synthetic production processes are in use at the facility. The batch processes occur in tanks and similar vessels, with the formulated tablet products pressed in tablet presses. Once the products are formulated and pressed, packaging of these materials occurs in bottle filling, and blister packaging equipment.

c) The waste materials that have been sent to Himco and Himco Waste-Away, Inc. are:

- Cafeteria waste
- Office waste
- Corrugated waste
- Off specification finished product from packaging lines and returned goods.
- Dust from dust collection units that provide air pollution control on product production equipment.
- Empty drums.

d) All non-hazardous waste is disposed of via Himco Waste Away. Corrugated waste is sent to Central Bailing for recycling. Empty drums are sent to Krook Container Company for recycling. Hazardous waste is disposed of via a licensed hazardous waste disposer as per 2.a) below.

e) SIC #2834

2. a) Chem Care; 3416 South Post Road; Indianapolis, IN 46239  
Triangle Resource Industries; Old Greenbrier Pike; Greenbrier, IN 37073  
VanWaters & Rogers; 59865 Market Street; South Bend, IN 46614

b) Bruce D. Jones, Assistant Plant Manager

3. Yes.

4. Monthly statement and pick-up receipts from 1/1/81 through 12/31/88. Service agreements for 1988 and 1989. (see Appendix A)

5. The waste that has been disposed at Himco, Inc. or Himco Waste-Away, Inc. include a combination of:

- a. Finished product (off specification and return goods);
- b. Bottles (glass and plastic);
- c. Bottle Caps (metal and plastic);
- d. Paper (labels, cartons, brochures);
- e. Powder from dust collection units
- f. Cardboard
- g. Scrap metal, wood, and plastic;
- h. Maintenance scrap (wood, metal, etc.)

5. Continued.....

Prior to disposition of production materials, they are processed through a shredder to ensure that they are unusable and thus could not be scavenged from the landfill.

The character of the waste is a solid, with the waste compacted on-site prior to its disposal.

6. A listing of waste sent to Himco Waste Way from December, 1980 through December, 1988, is attached (Appendix B). No records were found for disposal activities prior to December, 1980.
7. A copy of Material Safety Data Sheets for materials that may be in the waste destined for Himco is contained in Appendix D. These MSD sheets are for the raw materials that are used in production of our products. The materials are consumed through use in our manufacturing processes, and are not disposed in their raw material form. The presence in the waste will only be in the off-specification product and returned goods that are disposed in the trash compacting system. Copies of the analyses performed on the waste are attached in Appendix C.
8. Whitehall Laboratories has been covered by general liability insurance since the facility was built in 1948. While the policies indicate that coverage will be limited to cases of sudden and accidental discharge of hazardous material, the exact meaning of these terms has traditionally been unclear and therefore it is impossible to predict with any degree of accuracy the precise boundaries of the coverage.

A F F I R M A T I O N

A diligent record search has been completed in response to the information requested.

I affirm that the information is true and correct to the best of my knowledge and belief.

Dated at ELKHART, IN this 3 day of  
MARCH, 1989.

WHITEHALL LABORATORIES  
(Name of Organization)

By Ronald J. Boveri  
(Name of Person Signing)

ASST. VICE PRES.  
(Title of Person Signing)



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION 5**

**230 SOUTH DEARBORN ST.**

**CHICAGO, ILLINOIS 60604**

**REPLY TO THE ATTENTION OF:**

**5HS-11**

**JAN 30 1989**

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Whitehall Laboratories  
Elkhart, Indiana 46514

Re: Himco Landfill  
Elkhart, Indiana

Dear Sir or Madam:

The United States Environmental Protection Agency (U.S. EPA) is presently investigating the circumstances surrounding the presence of hazardous substances in and around the Himco Landfill Site in Elkhart, Indiana. This action is being taken by U.S. EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) 42 U.S.C. §9601 et seq. as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), Pub. L. 99-499.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §9604(e), amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. 99-499, and pursuant to Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §6927, you are hereby requested to respond to the following Information Requests. Compliance with the following Information Requests is mandatory. Failure to respond fully and truthfully to each and every Information Request within 30 days of receipt of this letter, or to adequately justify such failure to respond, can result in enforcement action by U.S. EPA pursuant to Section 3008 of RCRA under which U.S. EPA may seek the imposition of penalties of up to \$25,000 for each day of continued noncompliance, and/or pursuant to Section 104(e)(5) of CERCLA which, as amended, authorizes the U.S. EPA to seek penalties from a federal court of up to \$25,000 for each day of continued noncompliance. "Noncompliance" is considered by U.S. EPA to be not only failure to respond to the Requests but also failure to respond completely and truthfully to each Request. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties up to \$10,000 or up to five (5) years of imprisonment or both under 18 U.S.C. §1001.

In responding to this information request include any and all information relating to the following companies:

Himco Waste Away  
Himco, Inc.

1. Provide a description of your business, including:
  - a. type of work performed at your facility;
  - b. manufacturing processes;
  - c. wastes generated;
  - d. waste disposal practices;
  - e. SIC number.
2. Provide a list of all companies and individuals with which you made arrangements with to dispose of hazardous wastes. Also identify the individual responsible for making arrangements for the disposal or treatment of waste materials at your facility.
3. Did you ever make arrangements for disposal of waste materials with Himco, Inc. or Himco Waste-Away or any other company to dispose of waste at the Site? If the answer is "yes" to this question, please answer the following questions.
4. Provide copies of all shipping documents, or other business documents including receipts, relating to the transportation, storage and/or disposal of waste materials at the above referenced site.
5. Provide the generic, common or trade name and the chemical composition and character (i.e. liquid, solid, sludge) of the materials transported to, stored and/or disposed of at the above referenced site.
6. For each waste material identified above, please give the total volume in gallons for liquids and in cubic yards for solids, for which you arranged disposal and list the dates when disposal occurred.
7. Provide copies of all records, including analytical results, and material safety sheets, which indicate the chemical composition and/or chemical character of the waste material(s) transported to, stored, or disposed of at the above referenced site.
8. Provide a list and description of all liability insurance coverage that is or was carried by you, including any self-insurance provisions that relate to hazardous substances and/or the facility identified above,

To assist you in answering this request, the information sought pertains to any and all information in your possession, custody or control relating to the operation/cleanup of the above referenced site and to the transportation, storage, and/or disposal of hazardous substances, or the generation of

hazardous substances which were ultimately disposed of, or offered for disposal at the site. The relevant time period for this request is from 1960 through the present.

For purposes of this information request, "shipping documents" shall mean all contracts, agreements, purchase orders, requisitions, pick-up, or delivery tickets, customs forms, freight bills, shipping memoranda, order forms, weight tickets, work orders, manifests, shipping orders, packing slips, shipping logs, bills of lading, invoices, bills, and any other similar documents that evidence discrete transactions involving shipment or the arrangement for shipment of waste materials to or through the discrete transactions involving shipment or the arrangement for shipment of waste materials to or through the above referenced site. "Waste materials" shall mean hazardous substances, solid wastes and hazardous wastes and other materials which may or may not contain pollutants and shall include reclaimed and off-specification materials of any kind.

This information should be sent to the following:

Ms. Susan Swales (5HS-11)  
Waste Management Division  
U.S. EPA - Region V  
230 South Dearborn Street  
Chicago, Illinois 60604

The information sought herein must be sent to U.S. EPA within 30 calendar days of your receipt of this letter. Under Section 3008 of RCRA, 42 U.S.C. §6928, and under Section 104(e)(5) of CERCLA, 42 U.S.C. §9604(e)(5) failure to comply with this request may result in an enforcement action against you by U.S. EPA.

The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may request however, that such information be handled as confidential business information. A request for confidential treatment must be made when the information is provided, since any information not so identified will not be accorded this protection by the U.S. EPA. Information claimed as confidential will be handled in accordance with the provisions of 40 C.F.R. Part 2.

The written statements submitted pursuant to this request must be notarized and submitted under the signature of a duly authorized corporate official certifying that all information contained therein is true and accurate to the best of the signatory's knowledge and belief and that a diligent search for all documents responsive to this request has been completed. All documents submitted to Region V pursuant to this information request should be certified as true and authentic to the best of the signatory's knowledge and belief. Should the signatory find, at any time after the submittal of the requested information, that any portion of the submitted information is false, the signatory should notify U.S. EPA promptly. If any answer certified as true should be found to be untrue, the signatory can and may be prosecuted pursuant to 18 U.S.C. §1001.



If you need further information regarding this U.S. EPA information request, you may contact Susan Swales of the Responsible Party Unit at (312) 886-7336.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Mary Gade", written in a cursive style.

*for* Mary Gade, Associate Division Director  
Office of Superfund

## REQUESTS - Responses

1. Gene Bruncz - Director, Data Processing  
Robert Dieter - Chief Accountant  
Stan Desulis - Section Head, Bulk Department  
Bruce Jones - Assistant Plant Manager  
Donald Boveri - Assistant Vice President and Plant Manager  
Edward Ogle - Shipping/Warehouse Manager  
Scott Blary - Director, Quality Assurance  
Chris Aumack - Supervisor, File-Mail-Steno  
Dennis Horvath - Supervisor, Purchasing  
Paul Brandt )  
Arthur Weaver )  
Jack Lynn )  
Richard Saik ) Retired Management People  
Joseph Breit )  
Robert Cosbey )  
John Murphy )  
Jim Super )

2. The documents consulted in preparing this response are:

- a) Material Safety Data Sheets
- b) Listing of Raw Materials
- c) Product List
- d) Disposal Records
- e) Correspondence Files
- f) Purchasing Records
- g) Himco Deposition
- h) Brandt Deposition
- i) Indiana Correspondence

Copies of any documents consulted during this record search and not previously provided are attached in Appendix B.

3. All of those individuals who are believed to have information pertinent to this request are identified in the response to question 1 above.

4. Please see response 1.b from our previous response letter. A copy is attached in Appendix A.

5. Whitehall Laboratories Inc. ("Whitehall") objects to Supplemental Request No. 5 as overbroad, unduly burdensome, and beyond the scope of information authorized to be obtained pursuant to Section 104(e)(2) of CERCLA. Without waiving said objections, Whitehall responds as follows:

Please see the products listing contained in Appendix C.

6. Whitehall objects to Supplemental Request No. 6 as overbroad, unduly burdensome, and beyond the scope of information authorized to be obtained pursuant to Section 104(e)(2) of CERCLA, and ambiguous insofar as

"waste" is not defined. Without waiving said objections, Whitehall responds as follows:

The wastes disposed via Himco Inc. and Himco Waste Away during the period of 1960 through 1979 included:

- a) Off specification finished product;
- b) Returned goods (expired finished product);
- c) Empty containers (glass and plastic bottles, paper bags, and metal and fiber drums);
- d) Paper and cardboard;
- e) Dust from dust collectors;
- f) Scrap wood and metal; and
- g) Incinerator ash.

The incinerator ash was generated by the on-site incineration of combustible materials such as paper, cardboard, and combustible products. With the exception of products contained in glass containers, virtually all of the off-specification products and returned goods were incinerated in this unit. The incinerator was operated from 1940 until 1975. It ceased operation in 1975 due to its inability to meet evolving air pollution control standards.

In 1976, the Indiana Board of Health asked Whitehall Laboratories to characterize the pharmaceutical waste disposed via Himco Inc. and Himco Waste Away. During a 10 day period, the amount of waste returned goods, off specification product, and dust from dust collectors were determined. The weight of these materials were then multiplied by the weight of raw materials in each product formula to determine the potential chemical characterization of the waste stream. This characterization was forwarded to the State Board of Health, which determined that disposal of the Whitehall Laboratories pharmaceutical waste via Himco Inc. was acceptable. It is important to note that the characterization did not address individual chemical material disposal but rather the chemical constituent make-up of waste pharmaceutical products disposed via Himco Inc.

7. Whitehall objects to Supplemental Request No. 7 as overbroad, beyond the scope of information authorized to be obtained pursuant to Section 104(e)(2) of CERCLA, and ambiguous insofar as "wastes" is not defined. Without waiving said objections, Whitehall responds as follows:

Himco and Himco Waste Away were the waste transporters for materials transported from the Whitehall facility.

8. Whitehall objects to Supplemental Request No. 8 as overbroad, beyond the scope of information authorized to be obtained pursuant to Section 104(e)(2) of CERCLA, and ambiguous insofar as "wastes" is not defined. Without waiving said objections, Whitehall responds as follows:

These documents are contained in the appendices attached here.

9. Whitehall objects to Supplemental Request No. 9 as overbroad, beyond the scope of information authorized to be obtained pursuant to Section 104(e)(2) of CERCLA, and ambiguous insofar as "wastes" is not defined. Without waiving said objections, Whitehall responds as follows:

No wastes were disposed on-site during the time period in question.

## CLARIFICATION OF RESPONSES TO JANUARY 30, 1989 REQUEST FOR INFORMATION

The U.S. Environmental Protection Agency (EPA), in a letter dated January 30, 1989, sent an information request to Whitehall Laboratories pursuant to Section 104(e) of CERCLA.

### CLARIFICATION TO RESPONSE TO QUESTION 4

The documents in Appendix A of the Whitehall Laboratories March 3, 1989 response letter address the use of Himco Inc. and Himco Waste Away for the period of January 1, 1981 through December 31, 1988. These documents address waste shipped by Himco Waste Away to the Himco Inc. sanitary landfill on County Road 26 in Elkhart. The documents do not address the use of the Himco Inc. County Road 10 site, nor the period 1960 through 1976. A thorough search of records did not locate any purchase records, pick-up slips, etc..... relating to the site under investigation nor the time period in question.

### CLARIFICATION TO RESPONSE TO QUESTION 5

Please see response #6 of the Whitehall Laboratories May 17, 1989 response to the EPA supplemental information request for a description of the waste materials sent to the Himco site on County Road 10 and Nappanee Street Extension in Elkhart, Indiana.

### CLARIFICATION TO RESPONSE TO QUESTION 6

The documents contained in Appendix B relate to waste shipped via Himco Waste Away to the Himco Inc. sanitary landfill on County Road 26 in Elkhart Indiana during the time period of December 1980 through December 1988. The documents do not address the use of the Himco Inc. site on County Road 10 nor the period 1960 through 1979.

### CLARIFICATION TO RESPONSE TO QUESTION 7

The data contained in Appendix C of the Whitehall Laboratories March 3, 1989 response letter pertains to tests performed on waste materials generated during the period of March 25, 1987 through December 22, 1988. The data resulted from tests performed on wastes that were shredded, compacted, and transported by Himco Waste Away to the Himco Inc. sanitary landfill on County Road 26 in Elkhart Indiana. The data do not address waste sent to the Himco Inc. site on County Road 10 and Nappanee Street Extension, nor the time period of 1960 through 1979.

### CLARIFICATION OF APPENDIX D

Appendix D of the Whitehall Laboratories March 3, 1989 response letter contains material safety data sheets for materials currently used in products produced at the Whitehall Laboratories facility in Elkhart Indiana and do not necessarily represent materials disposed of during 1960 - 1979. Additional data on materials from 1960 - 1979 can be found in Appendix B

8283H

1925142192

DATE

5/17/89

FROM (Your Name) Please Print

D. Dover

YOUR PHONE NUMBER (Very Important)

COMPANY

WHITEHALL LABS

STREET ADDRESS

1919 SUPERIOR ST

CITY

ELKHART

STATE

IN

ZIP REQUIRED

46516

TO (Recipient's Name) Please Print

Ms. Susan Swales

RECIPIENT'S PHONE NUMBER (Very Important)

COMPANY

US Environmental Protection Agency

STREET ADDRESS

230 south Dearborn

CITY

Chicago

STATE

IL

ZIP

60604

YOUR BILLING REFERENCE INFORMATION (FIRST 24 CHARACTERS WILL APPEAR ON INVOICE)

PAYMENT

☒ Bill Sender

☐ Bill Recipient's FedEx Acct. No.

☐ Bill 3rd Party FedEx Acct. No.

☐ Bill Credit Card

☐ Cash

SERVICES

☒ PRIORITY 1

Overnight Delivery

☐ OVERNIGHT LETTER\*

☐ CRUISE-PAN

Overnight Envelope

☐ OVERNIGHT BOX

☐ OVERNIGHT TUBE

☐ STANDARD

DELIVERY AND SPECIAL HANDLING

☐ HOLD FOR PICK-UP

(Fill in Box 1)

☐ DELIVER WEEKDAY

☐ DELIVER SATURDAY

Extra charge

☐ DANGEROUS GOODS

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